

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Roderick Jerome English,
aka Roderick English,

Plaintiff,

vs.

Ms. Conell,

Defendant.

) C/A No. 3:12-664-JFA-SVH

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ORDER

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of April 5, 2012. (ECF No. 9).

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items (signed pleadings/motions; service documents) needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. Plaintiff minimally complied by submitting the required signature pages for his pleadings (ECF No. 1, Attach. 2; ECF No. 2, Attach. 2), but he returned the blank service documents in the same form he received them: blank, with the exception of a brief statement written on the blank summons form in which Plaintiff states that he does not have Defendant's address. (ECF No. 11). He does not indicate that he has any plan for or intention of obtaining the address at any later date, nor does he request any type of extension of time to avoid the running of his proper-form deadline.

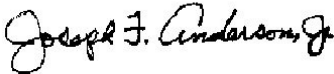
Plaintiff's apparent inability and/or unwillingness to obtain Defendant's address for service of process indicates an intent to not continue prosecuting this case, and subjects this case to

dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, the Motion for Leave to Proceed *in forma pauperis* is denied, and this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

May 1, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.
